

Minutes
TEXAS STATE SOIL AND WATER CONSERVATION BOARD
February 16, 1995

The Texas State Soil and Water Conservation Board met on February 16, 1995 at 8:00 a.m. in its Hearings Room at 311 North Fifth Street, Temple, Texas.

Board members present were:

Paul Robertson, Chairman
Charles D. "Buddy" Clark, Vice Chairman
C. F. "Dick" Schendel, Member
Albert Evans, Member
Harvey Davis, Member

Staff members present were:

Robert G. Buckley, Executive Director
William C. Neiser, Assistant Executive Director
James M. Moore, Assistant Executive Director
Mel Davis, Assistant Executive Director
Leonard Pietzsch, Jr., Chief Accountant
Randy Jones, Human Resources Manager
Cherié King, Director of Programs
Lennie Winkleman, Planner
Mahendra Mohite, Engineer Assistant
Bo Spoonts, Director of Programs
Tricia Davis, Information Specialist
Vicki Davis, Administrative Technician

Others present were:

Wes Oneth, Natural Resources Conservation Service
Dr. Clarence Richardson, ARS Grassland Soil & Water Research Lab
Dr. Charles Alan Jones, Blackland Research Center
Comer Tuck, Texas Water Development Board

Chairman Robertson called the meeting to order and welcomed those present.

On motion of Harvey Davis, seconded by Dick Schendel, the minutes of the January 17-18, 1995 Board meeting were approved as mailed. Motion carried.

Mel Davis presented district director appointments for consideration. An appointment for Karla Dean from the Trinity Bay SWCD #343, which had been postponed from the last Board meeting, was discussed. An advisory opinion of counsel from the

Attorney General's Office concerning Ms. Dean's appointment was reviewed. In summary, the advisory opinion stated that per diem is a form of compensation, and the appointment of Ms. Dean would be prohibited under nepotism statutes due to the fact that her father already serves on the board. She can be elected to the board, but not appointed. Mr. Davis advised the Board the following appointments appeared to be in order:

Bruce Gilleland, Nueces-Frio-Sabinal SWCD #221
Chris Moser, Bowie County SWCD #408

On motion of Buddy Clark, seconded by Albert Evans, Mr. Gilleland and Mr. Moser were approved as presented. On motion of Albert Evans, seconded by Buddy Clark the appointment of Ms. Dean was disapproved due to the Attorney General Advisory Opinion. The staff was instructed to notify the Trinity Bay SWCD of its decision and include a copy of the advisory opinion from the Attorney General's Office.

Mel Davis reported that the district appointment of delegates for State Board member elections is progressing as scheduled. Harvey Davis stated that he will not be a candidate for reelection.

Bill Neiser reported on the status of districts not having their audits or financial statements in at this time. Funds are being withheld from these districts until their audits and financial statements are received.

Bill Neiser stated that the expenditure report for the five month period ending January 31, 1995 showed expenditures to be on track with the operating budget.

Bill Neiser reported that the agency's 1996-97 legislative appropriation request has been through the Senate Finance Committee hearing and we are waiting for them to get to markup. The House Appropriations Committee has also heard our budget request. The markup for that Committee is set for February 21st. Bob Buckley then reported in detail on activities in Austin and answered questions from the Board members.

Randy Jones informed the Board that we now have 59 employees on the payroll; Yolanda Brown had been promoted from Secretary III to Contract Technician and he was now recruiting for someone to fill her old position; and that Tricia Davis has accepted another job and was leaving our agency and he was looking at candidates for that position.

Tricia Davis stated that the 503 video was complete and that copies would be sent to field staff and Regional Offices in March. She also reported on the status of projects being conducted by the Public Information/Education Committee. Board members voiced their appreciation of the work that Tricia has done during her time with us and wished her luck in future endeavors.

Wes Oneth presented his report, informing the Board that Gary Westmoreland will now be heading up the National Grazing Lands Conservation Initiative, Pat Henson will be taking his place and Charles Conklin will be moving into Pat's position. He then reported on contemplated and planned closures at the field office level and cutbacks at the state level. He informed the Board of the NRCS reorganization plan which will reduce their eleven areas to five, (matching the State board's five zone boundaries exactly) having headquarters in Amarillo or Lubbock, Pecos or San Angelo, Corpus Christi, Bryan or Nacogdoches and Waco or Stephenville. He then gave a presentation on their strategic plan, which Bob Buckley requested they present at staff meeting, and answered questions from the Board members

Comer Tuck presented a report from the Texas Water Development Board stating that Governor Bush had appointed Bill Madden as their new Board chairperson; the NRCS has completed field work for the 1994 irrigation survey, and; they should have the location of irrigation acreage in GIS format by next fall or winter. Bob Buckley stated that it would be helpful to us to have that information by November.

Clarence Richardson reported that on the national level, Floyd Hom was now acting under secretary of agriculture, Carl Stauber was his assistant and that these two positions will be reversed soon. At the local level, Dr. Armstead has been appointed as an area director. He reported on budget cuts and how this will effect the local program.

Alan Jones stated that their agency continues to work closely with us, especially in the 319 program and they hope to continue their close relationship.

Bob Buckley gave a legislative update including: a proposed amendment to clarify donations from counties to districts; our membership in the Coastal Coordination Council; coastal zone legislation limiting the authority of the Coastal Coordination Council; and proposed legislation on the election code that does away with exempting

convention type elections from the uniform date provision. Mel Davis and Cherié King reported on a letter from the Attorney General's office asking for agency support in their filing of an amicus brief in the Sweet Home case on behalf of the State. After further explanation by Cherié King the Board decided to look at the brief before coming to a decision on the matter.

James Moore reported that Guidelines for Implementation of Senate Bill 503 had been provided to districts and staff for their review and he had received comments mostly from staff. Mr. Moore presented a short history and explanation of the guidelines, went over suggested changes that were not implemented by the staff, and asked for questions before the Board's approval of final guidelines to be sent to the districts. The Board suggested that a work group be set up consisting of some regional managers, staff and NRCS personnel to develop an annual status review process. They also suggested changes in wording on page 2, paragraph b. to reflect landowner responsibility and rewording of a sentence under "Setting Priorities" to read "In assigning priorities for plan development or plan modification, the law requires that water quality considerations are the primary factor in determining priorities." Motion was made by Buddy Clark and seconded by Harvey Davis that the guidelines be mailed out to districts once the two changes were made.

Mr. Moore then handed out additions to the practice list which is part of the Guidelines, and recommended that the Board approve precision land forming as a practice and direct a 60 day investigative period for staff to look into other suggested practices relative to irrigation before making recommendations to the Board. The Board approved the 60 day study period and on motion by Albert Evans, seconded by Dick Schendel approved the addition of precision land forming to the approved practice list.

James Moore presented a handout to the Board on the status of Senate Bill 503 and a letter from Donley County on proposed rules.

Mr. Moore announced that Petra Sanchez had been appointed as the new Texas project officer for EPA Region VI and that staff members from Temple met with Ms. Sanchez and EPA personnel last week to respond to comments on the 1994 grant program. He stated that because NRCS has had funding cuts on the Nolan River PL566

project that the possibility of requesting funds under Section 319 for cost-sharing the application of waste management systems, and narrowing the project scope to two tributaries of the Nolan River had become an item of negotiation. He reported the '95 grant had been awarded but the workplans remain to be reviewed by EPA. He also stated that the Nonpoint Source Coordinating and Advisory Committees will have a joint meeting to begin the FY '96 funding cycle..

James Moore informed the Board that four districts sent in cost-share applications for CAFO's outside the designated 503 areas and asked if the Board wanted to consider them on a case-by-case basis for statewide set aside funds. After reviewing all four projects the Board on motion by Albert Evans, seconded by Harvey Davis voted to fund all four projects. Dick Schendel abstained from the discussion and vote because he was related to the parties involved in two of the projects.

James Moore distributed a copy of the Board's comment letter responding to TNRCC's proposed CAFO rules. He gave some background on the rules and stated the target date for adoption is March 8, 1995.

Mr. Moore informed the Board that the Clean Water Act Reauthorization Work Group had problems with a proposed February 17 meeting, and that the meeting had been rescheduled for February 21 in Austin.

Mr. Moore also informed the Board the Boundary Work Group of the Texas Coastal Management Program had two new options for consideration as the coastal program boundary. One is the 10' contour line, the other the 100 year floodplain line. Maps are being prepared by Program personnel and will be evaluated at upcoming work group meetings.

Mr. Moore provided the Board with copies of a letter from the Sierra Club to the Louisiana Governor's office urging them to petition EPA to set up a management conference for the Mississippi River to address the introduction of nutrients into the Mississippi River by nonpoint sources of pollution. He told the Board he would keep them apprised of developments relative to the request since it could have impacts on Texas in the future.

Cherié King discussed correspondence between the Association and Jim Lyons, Undersecretary of Natural Resources and Environment and discussion followed.

Bob Buckley reported that construction on the Regional Office in Weslaco had not begun as of this date and that we are still working on the problem.

Bill Neiser reported on Board member travel.

The Board set the next meeting date as March 15, 1995.

On motion of Albert Evans, seconded by Buddy Clark the meeting was adjourned at 2:55 p.m.

Paul E. Robertson
Chairman

Dickie A. Davis
Secretary

3/15/95
Date

I certify that the above is a true and correct copy of the minutes of the board meeting held on February 16, 1995.

3-15-95
Date

Robert A. Buckley
Executive Director